

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 E, Closed Area No. 55, Machias River, East Machias River and Northwestern Machias Bay, promulgated on April 23, 2004, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 E, Closed Area No. 55, Machias River, East Machias River and Northwestern Machias Bay.

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Machias River, East Machias River, and northwestern Machias Bay, that are situated upstream of a line drawn (in a northeasterly direction) from the most eastern tip of Birch Point, Machiasport, to a red painted post located approximately 600 yards west of the most eastern tip of Holmes Point (at Cottage Cove), Machiasport.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: August 16, 2004

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BANGOR DAILY NEWS
August 19, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 E, Closed Area No. 55, Machias River, East Machias River and Northwestern Machias Bay, promulgated on April 23, 2004, and enacts a new emergency regulation. This regulation closes the East Machias River, Machias River and Northwestern Machias Bay areas due to a bypass at the Machias Wastewater Treatment Plant. Bypasses of the plant make this area subject to microbiological pollution whereby clams, quahogs, oysters and mussels taken from these waters pose a threat to the public health.

The conditional area (Machias River and Northwestern Machias Bay- Randell Flats, so called) will remain closed until water and clam samples show that it is no longer subject to pollution.



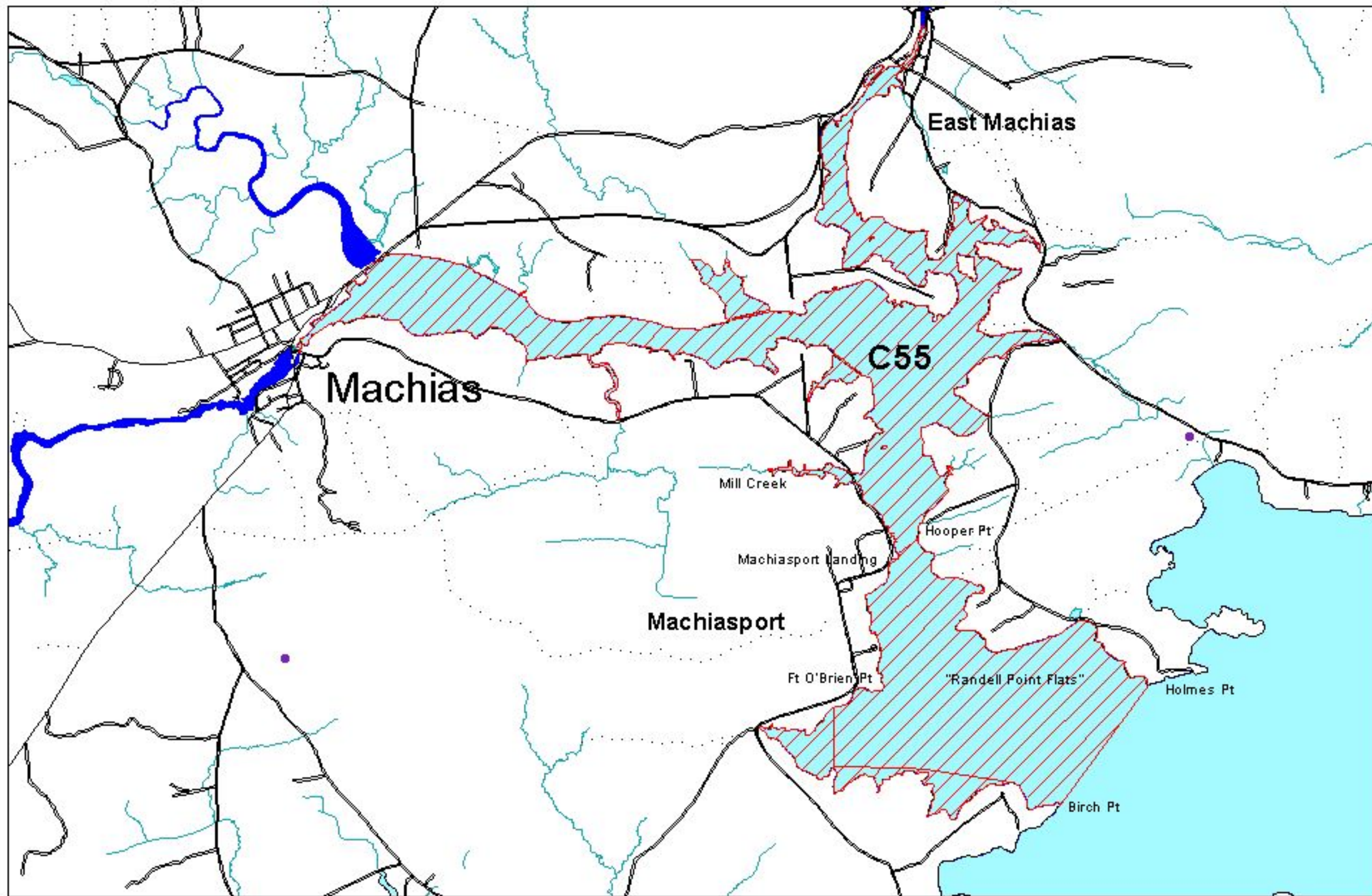
DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area August 16, 2004.

C-55 Conditional Area (CLOSED)



0.7 0 0.7 Miles